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INFORMATION

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SUBJECT

Proposed Regulations for the Criminal Police

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SUPPLEMENT REPORT NO.

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the German Ministry of the Interior. Abt. K, has prepared a the proposing a new law governing the relationship between the crime of police and the State's Attorneys in penal prosecutions. This has been submitted to the SMA for approval.

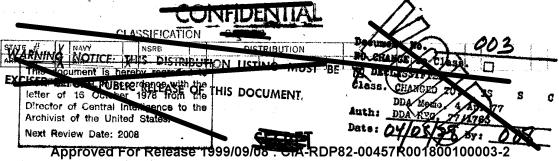
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The thesis begins with a long preamble giving the historic background of the present laws which regard the criminal police as
ludividual members of the police force assigned duty as auxiliar
investigators assisting the State's Attorneys in their prosecutive
of crimes. It then continues by explaining the fallacy of such
situation in a modern society and boasting about the "leading new
of the police in connection with progressive measures such as he is
land-owners, creation and establishment on a solid basis of the
publicly owned enterprises, etc." It adds "that the State's
Attorneys have hardly given evidence, even after the collapse.
That they can adequately adapt themselves to political necessition
and progressive criminological practice..... This is the inevitable
result of the traditional attachment to a dogmatic view of crimeal
procedures..... The police of the Soviet zone of occupation
the brief period of its existence, has already shown that it can
fulfill all the prerequisites for the development of a true
Ptople's Police. It also has that contact with the people necesland in

- The following themes are to be the basis for the new law:
 - As Preliminary proceedings will be separated into
 - a. Investigative proceedings
 - b. Freparation of the indictment.

II. The investigative proceedings will include the investigation of evidence and the identification, arrest, and conviction of the perpetrator.



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- III. The criminal police will carry out the entire investigative proceedings. The will act independently. The State's Attorneys will not interfere in the investigation, nor may they give orders or assignments to the criminal police. The whole concept of "auxiliary to the State's Attorneys" will lapse.
- IV. The criminal police will start investigative proceedings as soon as they receive a denunciation, or are informed in some other manner of a possible criminal action.
- V. Denunciations of culpable offenses which are submitted to the courts or to the State's Attorneys will be forwarded immediate to the criminal police so that they may initiate investigative proceedings.
- VI. The criminal police may independently order and carry out confiscations and searches in the process of an investigation, given the usual prerequisites of the criminal procedure code. A ratification by the court or by the State's Attorneys will not be necessary.
- VII. On presentation of legal grounds for arrest, an investigate arrest may be ordered on a warrant issued by the criminal police. The warrant of arrest must be ratified by the State's Attorneys; however, pending ratification the warrant is valid.
- VIII. Habeas corpus proceedings will be handled by the State's Attorneys.
- IX. The warrant may be rescinded only by the criminal police unit conducting the investigation. The rescission must be appropriate the head of the appropriate criminal department before the accused may be released. The accused may not be released on bail
- X. Temporary detention in insane asylums will also be in accordance with items VII-IX (above).
- XI. The system of preliminary inquiry by a judge will be distinction of examining judge will be taken over by the criminal police.
- XII. The criminal police have the right to refuse to reveal sources of evidence only within the boundaries of the criminal procedure.
- XIII. The criminal police are not authorized to administer caths to witnesses and experts. They may administer caths of allegiance (para. 156 of the Penal Code), but may not enforce them.
- XIV. The investigation will be completed with a final report. The criminal police will then forward the entire investigative material to the State's Attorneys immediately. A suspension of the criminal prosecution in preliminary investigation may be undectaken only by the State's Attorneys.
- XV. If the State's Attorneys find, after examining the investigative material, that a further investigation is necessary, they will return the material to the criminal police. They will at the same time specify in detail wherein they deviate in opinion.
- XVI. The State's Attorneys must inform the criminal police of the suspension of proceedings or the rescinding of the indictment.



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XVII. If there is any difference of opinion between the criminal police and the State's Attorneys on the question of investigative arrest (items 7 and 8), the suspension of proceedings (item 14), and the need for further investigation (item 15), this will be decided by a special commission consists.

- a. The Attorney General of the State Supreme Court
- b. The head of the State Criminal Police
- c. The head of the legal committee of the Landtug.

XVIII. The majority decision of the commission will prevail. In case of a dispute over the initiating or extension of investarrest, the arrest order will hold pending the decision of the commission.

XIX. The criminal police may use members of other organs of the police as well as members of certain government agencies to assist in the carrying out of investigations. These assist are obliged to carry out the investigations or assignments of criminal police. The designation of the persons to whom this is applicable, as well as the duties and privileges of these assistants, will be the subject of further decrees.

XX. The preparation and filing of the indictment (item 1) is the function of the State's Attorneys.